

KEVIN V. RYAN (CSBN 118321)
United States Attorney

EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

SUSAN R. JERICH (CSBN 188462)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7158
Facsimile: (415) 436-7234
Email: susan.jerich@usdoj.gov

Attorneys for Plaintiff

SEP 30 AM 10:02
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

OCT 7 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
BUSHROD BOONE,
Defendant.

No.: CR 04-372 VRW

PARTIES' STIPULATION AND
~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER SPEEDY TRIAL ACT

The parties stipulate and agree, and the Court finds and holds, as follows:

1. On August 2, 2005, this Court, through a written Order, granted defendant's motion to suppress evidence. The government timely filed a notice of appeal.

2. The parties last appeared before this Court on September 6, 2005, for status on the above-referenced matter. The matter was continued until November 22, 2005 for further status.

3. Pursuant to 18 U.S.C. § 3161(h)(1)(E), the parties moved that the time period from September 6, 2005 through November 22, 2005, be excluded from the calculation of time under the Speedy Trial Act.

4. In light of the foregoing facts, specifically, that an interlocutory appeal is currently pending, the ends of justice would be served by the Court excluding the proposed time period.

These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(1)(E).

1 5. For the reasons stated, the time period from September 6, 2005 through November 22,
2 2005, be excluded from the calculation of time under the Speedy Trial Act.

3 SO STIPULATED.

4 DATED: 9/14/05

Respectfully Submitted,

5
6
7 
8 SUSAN R. JERICH
Assistant United States Attorney

9 DATED: 9/23/05

10 
11 EDWARD SWANSON
Counsel for Defendant Bushrod Boone

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13
14 DATED:

15 HON. VAUGHN R. WALKER
16 Chief Judge, United States District Court
17
18
19
20
21
22
23
24
25
26
27
28

1 5. For the reasons stated, the time period from September 6, 2005 through November 22,
2 2005, be excluded from the calculation of time under the Speedy Trial Act.

3 SO STIPULATED.

4 DATED: 9/12/05

Respectfully Submitted,


6
7 
8 SUSAN R. JERICH
Assistant United States Attorney

9 DATED:

10 EDWARD SWANSON
11 Counsel for Defendant Bushrod Boone

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13
14 DATED:

15 
16 HON. VAUGHN R. WALKER
17 Chief Judge, United States District Court
18
19
20
21
22
23
24
25
26
27
28

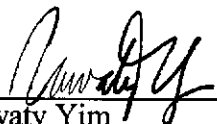
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Parties' Stipulation and Proposed Order in the case of United States v. Bushrod Boone, No. CR 04-372 VRW, was served today as follows:

Via Facsimile Delivery
Edward Swanson, Esq.
Swanson & McNamara
300 Montgomery Street
San Francisco, CA 94014

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 9/13/05 at San Francisco, California.



Rawaty Yim
United States Attorney's Office